

United States District Court

Western District of Texas

Pecos Division

United States of America

v.

Thomas Alan Arthur

No. 4:19-CR-00774-DC-1

Objection to Magistrate's Ruling on Motion for Discovery

JUDGE COUNTS:

Before the Court is Mr. Arthur's Motion for Discovery, in which he seeks to require the Government to allow the defense, under Rule 16(a)(1)(E), to copy the drawing and the texts that the Government intends to use in its case-in-chief at trial ("the Works").

The Works are allegedly obscene, but are not allegedly child pornography.

No law, state or federal, purports to forbid anyone from possessing the Works that comprise only text ("the Text Works").

The Government wishes to make the Works available only at the FBI office in Alpine, Texas. The Magistrate Judge ordered the Government to make the Works available at the FBI office in Midland, Texas as well.

One Mr. Arthur's consulting experts is in Austin, Texas.

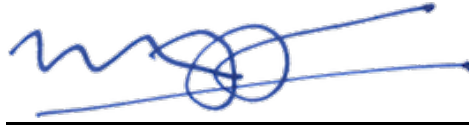
Air travel from Austin to Midland would require at least one overnight stay in Midland. During the current covid-19 emergency, such travel is unwise, and Mr. Arthur's consulting expert in Austin is understandably reluctant to make that trip.

Austin, like Midland, is not in the Pecos Division but is still in the Western District of Texas.

Therefore please modify the Magistrate Judge's order to:

- a) Require the Government to make the Works (the drawing and the Text Works) available at the FBI office in Austin, Texas; and
- b) Require the Government to allow Counsel to make copies of the Text Works.

Respectfully Submitted,



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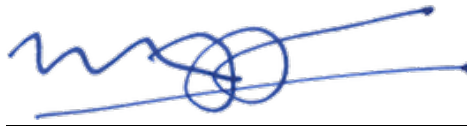
Attorneys for the Defendant,

Thomas Alan Arthur

CERTIFICATE OF CONFERENCE AND SERVICE

I have conferred with the attorneys for the Government about the subject matter of this objection, and they are opposed.

On the twenty-fourth day of April, 2020, I electronically filed this motion with the Clerk of the Court using the CM/ECF filing system which will send notification of the filing of the motion to the United States Attorney's Office and the assistant United States attorneys involved in the case.



Mark W. Bennett